

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4615 of 2023

Arising Out of PS. Case No.-365 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Supaul

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Debu Mukhiya @ Devu Mukhiya, Son of Sri Rabi Mukhiya @ Ravi Mukhiya, Resident of- Harihara Tola, Dudhadhari Ward No- 14, P.S.- Karjain, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-03-2023 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), if any, as pointed out by the office
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Misc. Excise Case No. 1207 of 2022 arising out
of Excise P.S. Case No. 365 of 2022 registered for the alleged
offences under Section 30(a) of Bihar Prohibition and Excise
(Amendment) Act, 2018.

As per prosecution case, the petitioner was
apprehended along with his motorcycle by the SSB Team.
Recovery of 126 liters of Nepali country made liquor was made
from the said motorcycle.



Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. In fact, nothing has been recovered from the conscious possession of the petitioner and the petitioner has no concern either with allegedly recovered liquor or the motorcycle where from the liquor is stated to be recovered. He is not the owner of the vehicle and he has been arrested merely on suspicion. The petitioner is in custody since 08.10.2022 and charge-sheet has been submitted in this case. The petitioner has got no criminal history.

Learned APP opposes the prayer for bail submitting that the petitioner was caught red handed with 126 liters of Nepali country made liquor.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner along with the submission of charge-sheet and his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned court of ADJ-V-cum-Exclusive Special Excise Court No.2, Supaul, in connection with Misc. Excise Case No. 1207 of 2022 arising out of Excise



P.S. Case No. 365 of 2022, subject to the conditions mentioned
in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of
the petitioner.
- (ii) The petitioner will remain present on each and
every date fixed by the court below.
- (iii) In case of absence for three consecutive dates
or in violation of the terms of the bail, the bail
bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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